



February 3, 2009

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## HOUSE BILL No. 1347

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DIGEST OF HB 1347 (Updated January 29, 2009 10:23 am - DI 75)

**Citations Affected:** Noncode.

**Synopsis:** Net metering and interconnection rules. Requires the utility regulatory commission (IURC) to adopt emergency rules amending the IURC's net metering and interconnection rules for electric utilities. Provides that the amended rules must: (1) make net metering available to certain specified customer classes; (2) allow a net metering customer to interconnect a generating facility with a nameplate capacity of five megawatts or less to the distribution facility of an electric utility; and (3) allow a net metering customer to interconnect a generating facility that makes use of certain specified technologies. Provides that the existing rules are void to the extent they do not comply with the requirements for the amended rules. Provides that the amended rules do not apply to rural electric membership corporations. Requires the IURC to report to the regulatory flexibility committee on the IURC's progress in adopting the amended rules.

**Effective:** Upon passage.

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January 13, 2009, read first time and referred to Committee on Commerce, Energy, Technology and Utilities.  
February 2, 2009, amended, reported — Do Pass.

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HB 1347—LS 6656/DI 103+



February 3, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1347

A BILL FOR AN ACT concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this  
2       SECTION, "commission" refers to the Indiana utility regulatory  
3       commission created by IC 8-1-1-2.

4       (b) Subject to subsections (c) and (d) and not later than July 1,  
5       2009, the commission shall adopt rules to amend the net metering  
6       and interconnection rules adopted by the commission and codified  
7       at 170 IAC 4-4.2. The commission shall adopt the rules required by  
8       this subsection in the same manner as emergency rules are adopted  
9       under IC 4-22-2-37.1. The rules adopted by the commission under  
10      this subsection must do the following:

11       (1) Require an electric utility to offer net metering to at least  
12      the following customer classes:

13       (A) Residential customers.

14       (B) Commercial customers.

15       (C) Industrial customers.

16       (D) Agricultural customers.

17       (E) Local governments.

18       (F) The state.

HB 1347—LS 6656/DI 103+



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(G) Kindergarten through grade 12 schools.

(H) Postsecondary educational institutions (as described in IC 6-3-3-5).

(2) Allow a net metering customer to interconnect a generating facility with a nameplate capacity of five (5) megawatts or less to a distribution facility of an electric utility.

(3) Allow a net metering customer to interconnect a facility that generates electricity through any of the following technologies:

(A) Solar.

(B) Wind.

(C) Microhydroelectrical facilities.

(D) Microturbines using renewable fuels.

(E) Fuel cells using renewable fuels.

(F) Biogas, including anaerobic digestion.

(G) Municipal solid waste.

(c) Rules adopted under subsection (b) expire on:

(1) the date the commission adopts rules under IC 4-22-2-24 through IC 4-22-2-36; or

(2) January 1, 2011;

whichever is earlier.

(d) Not later than June 1, 2009, the commission shall evaluate the net metering and interconnection rules adopted by the commission and codified at 170 IAC 4-4.2 for compliance with the requirements set forth in subsection (b). To the extent that any rules codified at 170 IAC 4-4.2 do not meet the requirements set forth in subsection (b), the rules are void. Not later than June 15, 2009, the commission shall notify the publisher of the Indiana Administrative Code and Indiana Register of any rules codified at 170 IAC 4-4.2 that are void under this subsection. The publisher shall remove the rules that are void under this subsection from the Indiana Administrative Code.

(e) Not later than November 1, 2009, the commission shall report to the regulatory flexibility committee established by IC 8-1-2.6-4 on the commission's progress under subsection (c)(1) in finally adopting, under IC 4-22-2-24 through IC 4-22-2-36, the emergency rules initially adopted by the commission under subsection (b).

(f) For purposes of subsection (b)(1), "electric utility" does not include the following:

(1) A corporation organized under IC 8-1-13.

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1           **(2) A corporation organized under IC 23-17-1 that is an**  
2           **electric cooperative and that has at least one (1) member that**  
3           **is a corporation organized under IC 8-1-13.**  
4           **(g) This SECTION expires January 1, 2011.**  
5           **SECTION 2. An emergency is declared for this act.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy, Technology, and Utilities, to which was referred House Bill 1347, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 39 and 40, begin a new paragraph and insert:

**"(f) For purposes of subsection (b)(1), "electric utility" does not include the following:**

**(1) A corporation organized under IC 8-1-13.**

**(2) A corporation organized under IC 23-17-1 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13."**

Page 2, line 40, delete "(f)" and insert "(g)".

and when so amended that said bill do pass.

(Reference is to HB 1347 as introduced.)

MOSES, Chair

Committee Vote: yeas 6, nays 4.

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